

# STATEMENT OF ENVIRONMENTAL EFFECTS

Development Application for  
Development Consent for Transport  
Depot, Warehouse (cold storage) and  
Distribution Centre and Signage

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35 Cassino Drive, Casino NSW 2470

Lot 50 DP1281364

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April 2024

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**Prepared by**            **HPC Planning**

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## Document Control

Rev	Date	File	Author	Reviewer	Status
01	18/12/2023	SEE Report	BM	CL	Draft for client review
02	22/04/2024	SEE Report	BM	CL	Final

## Application Overview

Site and Application Details	
<b>Address</b>	35 Cassino Drive, Casino NSW 2470 Lot 50 DP1281364
<b>Site Area</b>	12,034m <sup>2</sup>
<b>Consent Authority</b>	Richmond Valley Council
<b>Consent Authority Zoning</b>	Zone E4 General Industrial (formerly Zone IN1 General Industrial)
<b>Zone Precinct</b>	Richmond Valley Regional Job Precinct (Sub-precinct 3 – Johnston Street Industrial precinct)
<b>Existing Use</b>	Vacant industrial lot
<b>Application Details</b>	Development Application for Development Consent for Transport Depot, Warehouse (cold storage) and Distribution Centre and Signage
<b>Assessment Category</b>	Permitted with Consent
<b>Applicant Details</b>	Hayley Erin McCaughey and Phillip William McCaughey C/- HPC Planning Level 11, 127 Creek Street, Brisbane, QLD 4000 Contact: Borisa Miletovic Phone: (07) 3217 5800 Email: <a href="mailto:Borisa.M@hpcplanning.com.au">Borisa.M@hpcplanning.com.au</a> Web: <a href="http://www.hpcplanning.com.au">www.hpcplanning.com.au</a>
<b>Landowner</b>	Hayley Erin McCaughey Phillip William McCaughey

## Contents

1	Introduction .....	6
1.1	Overview .....	6
1.2	Summary of Proposals .....	6
1.3	Legislative Framework .....	6
1.4	Supporting Information .....	7
1.5	Recommendation .....	7
2	Site and Surrounding Development .....	8
2.1	Property Description .....	8
2.2	The Site .....	8
2.3	Surrounding Land Uses .....	9
2.4	Easements .....	10
2.5	Significant Vegetation .....	11
2.6	Site History .....	11
3	Proposed Development .....	12
3.1	Application Details .....	12
3.2	Proposal Overview .....	12
3.3	Proposed Operations .....	13
3.4	Key Development Matters .....	13
4	Statutory Planning Assessment .....	19
4.1	Section 4.15 Assessment .....	19
4.2	State Environmental Planning Policies .....	19
4.3	Richmond Valley Local Environmental Plan 2012 .....	25
4.4	Richmond Valley Development Control Plan 2021 .....	30
4.5	Richmond Valley Regional Job Precinct .....	31
4.6	Section 4.15 (1)(b–e) Assessment .....	33
4.7	Designated Development .....	35
4.8	Integrated Development .....	35
4.9	Environmental Assessment .....	36
5	Conclusion .....	38

## Appendices

Appendix A:	Architectural Plans	Spaceframe Buildings
Appendix B:	Stormwater Management Plan	Spaceframe Buildings
Appendix C:	Noise Impact Assessment Report	AcousticWorks
Appendix D:	Clause 4.6 Variation Request	HPC Planning
Appendix E:	Quantity Surveyors Report for Cost of Works	M5 Advisors Pty Ltd
Appendix F:	NABERS	Spaceframe Buildings
Appendix G:	Fire Safety Schedule	BSGM Building Certifiers
Appendix H:	Site Waste Minimisation Plan	HPC Planning and Spaceframe
Appendix I:	Land Titles	
Appendix J:	Owner's Consent	

# 1 Introduction

## 1.1 Overview

HPC Planning have been engaged by Hayley Erin McCaughey and Phillip William McCaughey ('the Applicant') to prepare and lodge a Development Application for Development Consent for Transport Depot, Warehouse (including cold storage) and Distribution Centre and Signage. The subject site for this development application is 35 Cassino Drive, Casino NSW 2470, described as Lot 50 on DP1281364 ('the subject site').

This Statement of Environmental Effects (SEE) provides context to the proposed development by describing the subject site and surrounding locality. Second, the SEE describes the proposed development and key planning issues. Last, the report provides an independent assessment of the proposal against the applicable statutory planning instruments, which demonstrates the acceptability of the proposal.

## 1.2 Summary of Proposals

The development site is a vacant corner lot with frontage to Cassino Drive and Irving Drive. The site is located within an established industrial area (Cassino Drive industrial estate) which forms part of the Richmond Valley Regional Job Precinct (Johnston Street Sub Precinct) that is conveniently situated at the periphery of the town of Casino. The subject site represents a strategic location for the development being within close proximity to the Bruxner Highway (B60), a key road freight corridor connecting Lismore and Ballina and also linking with the Pacific Highway.

The development is proposed to occur over three (3) stages, summarised as per below:

- **Stage 1** – Establishing a first stage of the proposed development as a Transport Depot with hardstand pad of 10,092m<sup>2</sup> (northern side of the site), including construction of two (2) crossovers off Cassino Drive and 37 car parking spaces. Stage 1 also includes the construction of a warehouse and ancillary office building with a total Gross Floor Area (GFA) of 1,273m<sup>2</sup> (southern side of the site).
- **Stage 2** – Extension of the Warehouse to include cold storage component, including construction of sunken loading area. The extension of GFA as part of Stage 2 is 1,419m<sup>2</sup>. Sprinkler tank, pump shed and substation will be constructed as part of Stage 2, as per Architectural Plans.
- **Stage 3** – Further extension of Warehouse (cold storage) and Distribution Centre (additional 2,840m<sup>2</sup>) to deliver the ultimate development with total GFA of 5,532m<sup>2</sup>, including an additional 21 car parking spaces increasing the total to 58.

The ultimate development involves the construction and operation of a Warehouse (cold storage) and Distribution Centre, to be occupied by national food distributor Spring Grove. The proposed use does not involve on-site retail or food processing activities. Owing to the site's significant separation distance to sensitive land uses the proposed facility will operate 24 hours a day, seven days a week.

## 1.3 Legislative Framework

Under the *Richmond Valley Local Environmental Plan 2012* ('Richmond Valley LEP'), the subject site is included within Zone E4 General Industrial (formerly Zone IN1 General Industrial). The purpose of Zone E4 General Industrial is to provide a wide range of industrial, warehouse, logistics and related land uses. The proposed uses as outlined above are consistent with the intent of the zone and is 'permitted with consent' under the Land Use Table for Zone E4 General Industrial.



## 1.4 Supporting Information

Independent specialist studies have been prepared to ensure that all engineering and amenity matters are evaluated and addressed as part of the design process. This SEE should be read in conjunction and considered with the following supporting documentation:

- Proposed Plans by *Spaceframe Buildings*
- Stormwater Management Plan by *Spaceframe Buildings*
- Noise Impact Assessment by *Acousticworks*
- Clause 4.6 Variation Request by *HPC Planning*
- Quantity Surveyors Report for Cost of Works by *M5 Advisors Pty Ltd*
- NABERS by *Spaceframe Buildings*

Page | 7

The preparation of the aforementioned reports was an iterative process with the results and recommendations shaping the design of the development proposed. All relevant supporting information has been provided for the development application to be considered properly made.

## 1.5 Recommendation

This independent SEE, coupled with the supporting documentation demonstrates that the proposed development is an appropriate outcome for the site, generally accords with the relevant provisions of the Richmond Valley LEP, the *Richmond Valley Development Control Plan 2021* (Richmond Valley DCP) and applicable state environmental planning instruments, and will not prejudice the development potential of adjoining lots. This SEE details how the proposal addresses the relevant considerations and demonstrates compliance with the provisions of the relevant legislation and planning controls. As such it is recommended that consent is issued for the proposed development, subject to reasonable and relevant conditions.

## 2 Site and Surrounding Development

### 2.1 Property Description

The subject site is comprised of a single lot as described below in Table 1.

Street Address	RP Description	Zoning	Site Area
35 Cassino Drive, Casino	Lot 50 on DP1281364	E4 – General Industrial	12,034m <sup>2</sup>

**Table 1: Site details**

### 2.2 The Site

The subject site is located in the Cassino Drive industrial estate located at the outskirts of the Casino township, approximately 2.2km east of the centre. The site is currently a vacant lot, located on the corner of Cassino Drive and Irving Drive. Pursuant to Richmond Valley LEP 2021, the site is included within the Zone E4 General Industrial.

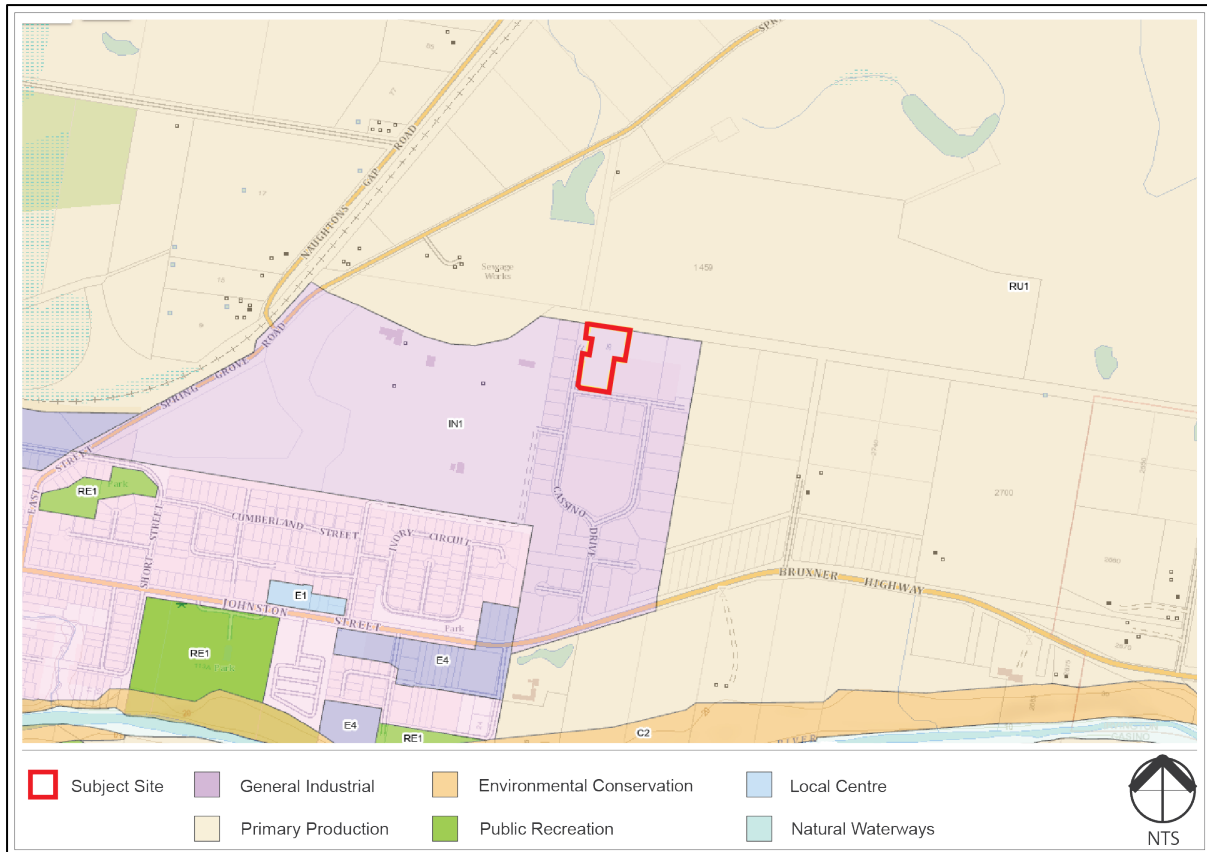
Figure 1 below shows the context of the site in relation to the surrounding area, while Figure 2 shows the zoning of the land.



**Figure 1: Aerial view of subject site**

Source: Nearmap





**Figure 2: Surrounding zones**

**Source: NSW Planning Portal**

### 2.3 Surrounding Land Uses

The site is situated within an established industrial area known as Cassino Drive industrial estate, which is conveniently located at the periphery of Town of Casino. The industrial estate forms part of the Richmond Valley Regional Job Precinct (Sub-precinct 3 – Johnston Street). The site is an ideal location for the proposed development, being at the interface of rural and industrial areas that are earmarked for future industrial development and being surrounded by non-sensitive land uses. Reflective of the industrial zoning, the immediate surrounding area is characterised by variety of industrial activities as described in Table 2 below.

The site and surrounding industrial area are strategically positioned for development with excellent connectivity to major transport networks. Specifically, the site has direct access available to Cassino Drive, which is a 19/23/25 m B – double route (as per the TfNSW Restricted Access Vehicle (RAV) map. Cassino Drive provides direct access to the Bruxner Highway (B60 Route) approximately 600m to the south and provides onward freight connections to the Pacific Highway.

The nearest sensitive land use/zone are dwelling houses in Walsh Place, zoned R1 General Residential and located approximately 360m south of the site.

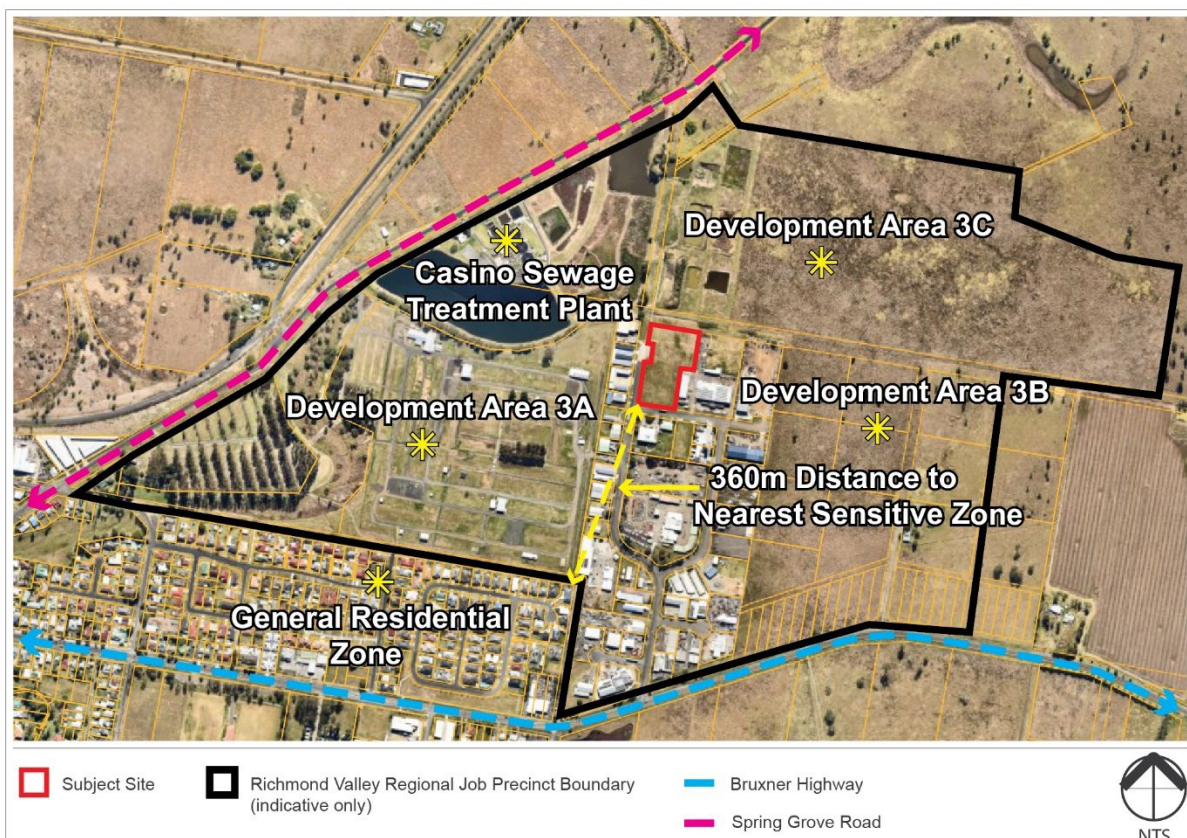
A summary of the immediate surrounding area is provided in Table 2 and Figure 3 below.

#### North

Adjoining the site to the north is large parcel of RU1 – Primary Production zoned land which accommodates water treatment ponds associated with the Casino Sewerage Treatment Plant ('STP'). The STP is currently nearing the end of its functional life and Council are investigating design options for a new facility. Under the *Richmond Valley Regional Job Precinct draft master plan* (February 2023), the vacant land to the north

	is anticipated to be used for future industrial development ('Development Area 3C'), with Cassino Drive providing road connections to this future development.
<b>East</b>	Adjoining the site to the east is land zoned as E4 General Industrial and is improved with an industrial building occupied by Leviat, a CRH company which specialises in connecting, fixing, lifting and anchoring technology for the construction industry. Further east is land zoned as RU1 Primary Production zoned land which is also earmarked for future industrial development under the <i>Richmond Valley Regional Job Precinct draft master plan</i> ('Development Area 3B').
<b>South</b>	Irving Drive bounds the site to the south. On the other side of Irving Drive is land zoned as E4 General Industrial and is used for a range of industrial activities. This industrial land forms part of the Cassino Drive industrial estate, which continues further south up until Johnston Street / Bruxner Highway.
<b>West</b>	Cassino Drive bounds the site to the west. On the other side of Cassino Drive is land zoned as E4 General Industrial land improved by industrial buildings, including Northern Rivers self storage facility. Further west is largely undeveloped parcel that contains the Richmond Valley Events Centre (Primex local agricultural exhibitions) and is also zoned as E4. Again the land containing Richmond Valley Events Centre is earmarked for future industrial development under the <i>Richmond Valley Regional Job Precinct draft master plan</i> ('Development Area 3A').

**Table 2: Surrounding land uses**



**Figure 3: Subject site strategic context**

Source: Nearmap

## 2.4 Easements

Per the Land Titles of Appendix I, the site is subject to a three (3) metre wide easement for sewage infrastructure.

## 2.5 Significant Vegetation

The site is a vacant and does not contain any vegetation. Resultantly, no ecological impacts are anticipated as a result of the proposed development.

## 2.6 Site History

As per Council's DA tracker, an application for Industrial Building – Industrial Shed & Security Fencing was submitted on 07 December 2009 (Council ref: DA2010/0193). No further details exist in relation to the status of this application.

## 3 Proposed Development

### 3.1 Application Details

This application seeks Development Application for Development Consent for Transport Depot, Warehouse (cold storage) and Distribution Centre, and Signage at 35 Cassino Drive, Casino NSW 2470, described as Lot 50 on DP1281364.

Page | 12

### 3.2 Proposal Overview

The proposed development involves the construction and operation of a Warehouse (cold storage) and Distribution Centre, to be occupied by national food distributor Spring Grove. The is to be delivered in three (3) stages, as summarised below:

- **Stage 1** – Establishing a first stage of the proposed development as a Transport Depot with hardstand pad of 10,092m<sup>2</sup> (northern side of the site), including construction of two (2) crossovers off Cassino Drive and 37 car parking spaces. Stage 1 also includes the construction of a warehouse and ancillary office building with a total Gross Floor Area (GFA) of 1,273m<sup>2</sup> (southern side of the site).
- **Stage 2** – Extension of the Warehouse to include cold storage component, including construction of sunken loading area. The extension of GFA as part of Stage 2 is 1,419m<sup>2</sup>. Sprinkler tank, pump shed and substation will be constructed as part of Stage 2, as per Architectural Plans.
- **Stage 3** – Further extension of Warehouse (cold storage) and Distribution Centre (additional 2,840m<sup>2</sup>) to deliver the ultimate development with total GFA of 5,532m<sup>2</sup>, including an additional 21 car parking spaces increasing the total to 58.

As mentioned above, the ultimate development involves the construction and operation of a Warehouse (cold storage) and Distribution Centre, to be occupied by national food distributor Spring Grove. Proposed operations at the facility will involve the delivery of frozen food and fresh produce to the site for cold storage prior to distribution to market. The proposed use does not involve on-site retail or food processing activities. Owing to the site's significant separation distance to sensitive land uses the proposed facility will operate 24 hours a day, seven days a week.

The ultimate development is for a modern industrial building with an attached ancillary office component with aspect to both Cassino Drive and Irving Drive. Specifically, the proposal comprises a new cold storage and distribution facility comprising a total GFA of 5,532m<sup>2</sup>, which will include drystore, freezer area, chiller, anteroom, blast room, plant room, charging station, ancillary office space, on-site staff amenities, on-site car parking, loading docks, including sunken loading dock, hardstand area and site access. Generous landscaping (8%) will be provided to both road frontages as demonstrated in the Site Plan (refer to Appendix A). The proposal includes a 25m<sup>2</sup> Business Identification Sign on the southern elevation identifying the business name of 'Spring Grove' (refer to the Signage Detail Plan).

The proposed development has evolved through a design-led approach, resulting in a high-quality development that responds to the industrial vision for the zone. The contemporary industrial architectural style and complementary landscaping will enhance the streetscape.

The proposal is consistent with the directions set by the Richmond Valley LEP 2012 and Richmond Valley DCP 2021 statutory planning controls and does not yield unreasonable or unacceptable adverse impacts on the amenity of the surrounding area, and therefore warrants Council support.

A full set of Proposal Plans are provided in Appendix A.



### 3.3 Proposed Operations

The proposed operations associated with the development are detailed below:

#### Traffic movement / coming and goings, proposed hours of movements:

The applicant has advised traffic movement of several trucks a day. The overall traffic generation as a result of the proposal is commensurate to a typical Warehouse and Distribution Centre use in an established industrial estate and would not result in adverse impacts on the wider road network.

Page | 13

#### Truck parking:

Parking trucks on site is expected as part of the first two stages of the development. Once the site is fully developed (under stage 3), truck parking will reduce and primarily be to service the Warehouse / Distribution Centre, in which case the trucks would only be parked temporarily on the site for loading and unloading operations.

#### Total number of staff:

Stage 1 will have total of 10 staff plus truck drivers. Stage 2 and Stage 3 will include additional 6-10 staff. This amounts to a total maximum of 20 staff.

#### Hours of operations, including staffed hours, and depot hours

The proposed development has the following operating hours:

- Staffed hours: 6am – 7pm Monday to Friday
- 24/7 access for company drivers

#### Approximate amount of products to be stored on site

- Stage 1: 1,000 pallet equivalent dry storage
- Stage 2: 1,000 pallet chilled, plus dry storage under stage 1
- Stage 3: 2,000 pallet chilled, plus dry storage under stage 1 and chilled storage under stage 2

#### Waste storage, generation, and production:

Waste storage associated with the operations of the site is limited to broken pallets and wrapping for new pallets only.

#### Chemical storage, generation, production on site:

The proposed development does not involve storage, generation or production of hazardous materials. However, the proposed cold storage components of the Warehouse will require refrigeration plant although the type of system including refrigerant gas has not yet been designed in detail. As seen on the proposed stage 2 floor plans a dedicated plant room is proposed and will house the refrigeration plant equipment and gases / chemicals. The storage and use of gases / chemicals as part of refrigeration system operation will be conducted with the highest regard to safety and hazard and risk mitigation.

#### Processing operations to be undertaken on site in terms of food handling and the like or packing of products:

The proposed development does not involve processing or packaging of goods.

#### Details around dry storage:

General dry storage. Examples include seeds, dry foods and cardboard.

### 3.4 Key Development Matters

The proposed works are consistent with the intent of the E4 General Industrial Zone therefore detailed land use planning assessment is not required. The following sections instead provide further detail in relation to the following matters relevant to the site and development:

- Built Form
- Environmental Impacts



- Traffic and Transport Network
- Development Engineering
- Operational Characteristics
- Site Constraints
- Advertising Signage

### 3.4.1 Built Form

#### 3.4.1.1 Architectural Intent

C-4 of the Richmond Valley DCP seeks to ensure that the external appearance of building elements make a positive contribution to the streetscape. The ultimate development will be a typical industrial/warehouse structure as shown on the attached Proposal Plans (Appendix A). The proposed facility will have a maximum building height of 12.3m and is a single structure design with the main ancillary offices located adjacent to the main car parking area and orientated to face both Cassino Drive and Irving Drive. The contemporary industrial design incorporates high levels of articulation. This includes recesses / building line variations, varied roof forms and pitch, projecting awnings, fenestration and openings, as well as mixed building materials, colours and patterns. The building is recognisably for an industrial land use and will present appropriately and attractively to all elevations.

The size, massing and layout of the development is a direct result of the proponent's requirements and project demand for cold storage of food products. The large Warehouse floor area enables efficient internal operation of the facility with orderly and accessible storage and retrieval of goods, long and straight racking aisles for forklift operations and functional loading bays.

In order to reduce the visual impact of the large single-plane walls, a number of design elements have been included:

- Ancillary office designed with significant glazing and use of architectural horizontal screening element designed to provide articulation to the overall development;
- Significant roof form variation and pitch;
- Recesses in built form and variations in the building line; and
- Varied materials and colours including concrete panelling and metal wall sheeting.

Whilst there are some unrelieved segments of tilt panels and corrugated iron, this will be suitably softened by landscape screening in accordance with C-4.2(1)(e). The above-mentioned design treatments create articulation and will visually reduce the overall built form. In combination with the proposed landscaping, the proposal has been designed to present attractively to Cassino Drive and Irving Drive.

Refer to the proposed Elevations included at Appendix A for further details.



**Figure 4: Perspective of proposed ancillary office**

C-8 of the Richmond Valley DCP looks to ensure development reduces opportunities for crime through building layout, orientation and location, and the strategic use of design, landscaping and lighting. The site design incorporates appropriate CPTED principles by ensuring the car parking areas and public realm can be monitored from building windows and openings. New landscaping and transparent boundary fencing will create a visual and physical barrier that distinguishes the site as private property and minimising vandalism. Clear and well-lit entry points to the development will also be provided.

#### **3.4.1.2 Building Height**

C-2 of the Richmond Valley DCP stipulates a maximum building height of 8.5m within the IN1 General Industrial Zone. The proposed development has a maximum building height of approximately 12.3m, exceeding the 8.5m limit. It is acknowledged that the proposed development exceeds maximum building height, however, the proposal provides appropriate environmental planning grounds to justify contravening the stipulated height standards and warrants Council support. These planning grounds are set out in full in the Clause 4.6 Variation Request enclosed at Appendix D. In light of the grounds set out in Appendix D, the proposed development is considered to satisfy clause 4.6(3) of the Richmond Valley LEP and section C-2 of the Richmond Valley DCP.

#### **3.4.1.3 Setbacks**

C-3 of the Richmond Valley DCP regulates minimum building setback requirements for the development. Buildings must have a minimum 6.0m setback from the primary road frontage. A secondary road frontage not adjoining residential development must have a minimum setback of 2.0m. The proposed development provides 13.4m and 16.6m road frontage setbacks to Cassino Drive and Irving Drive respectively. This has been measured to the ancillary office building which is the closest part of the building to the street. These setbacks are in compliance with C-3 of Richmond Valley DCP. The proposal does not share a side or rear boundary with a residential or sensitive use and therefore there are no minimum side or rear boundary setbacks.

#### **3.4.1.4 Landscaping**

C-5 of the Richmond Valley DCP regulates the provision of landscaping for the development. A minimum 2.0m deep landscaping strip must be provided along the site boundary. A secondary road requires a 1.0m deep landscaping strip. The proposed development provides a minimum 2.0m wide landscaping strip to Cassino Drive, apart from the location of the two crossovers. A 2.8m wide

landscaping strip is provided along secondary frontage to Irving Drive, in compliance with C-5 of the Richmond Valley DCP.

The proposed landscaping will contribute to the visual amenity of the development and streetscape character of both Cassino Drive (west) and Irving Drive (south). The proposal provides a total of 956m<sup>2</sup> or 8% landscaping for the development.

## **3.4.2 Traffic and Transport Network**

### **3.4.2.1 Access and Servicing**

C-9 of the Richmond Valley DCP regulates parking, loading and access for the development. A minimum six (6) metre wide heavy duty driveway is to be provided for industrial developments. The proposed development includes construction of two (2) ten (10) meter wide driveways, in compliance with C-9 of the Richmond Valley DCP 2021. Per the swept paths shown on the Site Plan, the proposed site access and hardstand layout provides for the manoeuvring of an Articulated Vehicle in a forward gear. All loading and unloading will fully be within the property boundaries, as required by C-9 of the Richmond Valley DCP 2021.

### **3.4.2.2 Parking**

Table C-6 regulates minimum on-site car parking requirements for industrial developments. As per Table C-6, truck Depot on-site car parking requirements are considered to be in compliance with Table C-6 of the Richmond Valley DCP. The Warehouse and Distribution Centre parking rate is 1 per 300m<sup>2</sup>. The ultimate GFA for the development is 5,532m<sup>2</sup>. Applying the rates above, the proposed development is required to provide 19 on-site car parking spaces. The proposal provides a total of 58 on-site car parking spaces, well in exceedance of the required number. Overall, the proposed development complies with on-site car parking requirements of C-9 of the Richmond Valley DCP.

## **3.4.3 Development Engineering**

### **3.4.3.1 Earthworks**

C-12 of the Richmond Valley DCP relates to earthworks and seeks to ensure cut and fill required for any development is designed to minimise any safety, environmental and amenity impacts on the site and adjoining properties. The site is generally level, there are no significant cut/fill works or retaining walls above 1m in height required to facilitate the proposed development. Appropriate Erosion and Sediment Control safeguards and practices will be implemented during construction. Additionally, as per Richmond Valley Council mapping, the site is not affected by Acid Sulfate Soils overlay and therefore no further considerations in relation to ASS are required.

### **3.4.3.2 Civil Servicing**

As per the Detail Survey contained within the Stormwater Management Plan document, the site can be serviced by all necessary infrastructure, including sewerage, water, electricity and telecommunications. Detailed design of the connection of these services to the proposal will be completed at the works stage of development.

### **3.4.3.3 Stormwater Management**

C-10.2 of the Richmond Valley DCP 2021 requires that all stormwater be directed to Council's stormwater drainage system via an approved method. Water Sensitive Urban Design principles shall apply as per Chapter I-9 of the DCP.

A Stormwater Management Plan (SWMP) has been prepared in support of the proposed development. The proposed SWMP demonstrates the proposed drainage scheme for the development, demonstrating the collection, treatment and discharge of stormwater for the developed site. As the site is currently an undeveloped allotment with no impervious area, an on-site detention system is proposed to mitigate peak flows. A 222m<sup>3</sup> on-site detention system is proposed to mitigate peak flows and ensure

no actionable nuisance on downstream developments is expected. The stormwater quality strategy involves the use of Atlan stormsacks and filters to achieve the required reduction in pollutants in accordance with the relevant legislation.

Refer to Stormwater Management Plan at Appendix B for detailed stormwater strategy for all stages of development.

### **3.4.4 Environmental Impacts**

#### **3.4.4.1 Noise Impacts**

C-7 of the Richmond Valley DCP seeks to ensure industrial development minimises the noise impact on surrounding uses. The proposed development is intended to operate 24 hours per day, 7 days per week. The 24 hours operations primarily relate to delivery drivers finishing their runs and returning to park their trucks on site. Staffed hours are however limited to 6am to 7pm, Monday to Friday.

The site is located within an established industrial locality and is separated by approximately 360m distance from the nearest sensitive land use/zone, being a General Residential land use south from the site. The separation of 360m is considered to be adequate and provide an appropriate interface with sensitive uses the area in line with the requirements under C-7 of the Richmond Valley DCP.

This application is accompanied by a Noise Impact Assessment Report (Appendix C) prepared in accordance with the New South Wales Industrial Noise Policy. The assessment confirms that based on the proposed hours of operation, noise impacts at the nearest sensitive receiver locations are predicted to comply without the need for further treatment. Waste collection is recommended to be undertaken from 7am to 6pm weekdays and 8am to 6pm weekends. The report concludes that compliance is predicted with NSW Noise Policy for Industry and Richmond Valley Council's assessment requirements without the need for further treatment.

In summary, it is considered that the proposed facility will operate successfully in the context of the site location and zoning, comfortably within the existing local noise context and expectations of the local community. As such, no specific noise management measures are required during the operation of the distribution facility.

Refer to Noise Impact Assessment Report at Appendix C for further details.

#### **3.4.4.2 Hazard and Risk Mitigation**

Refer to Section 4.2.2 (SEPP (Resilience and Hazards)) 2021 Policy below for details in relation to hazard and risk mitigation measures for the proposed cold storage warehouse.

#### **3.4.4.3 Waste Management**

Section C-11 of Richmond Valley DCP regulates waste management for developments. The proposed development includes a fully enclosed waste storage area within the site (Refer to Site Plan). The enclosed waste storage area will be screened to ensure minimal visibility from public areas. The location of the waste storage and collection area will allow for a Refuse Collection Vehicle to manoeuvre on site and exit in a forward gear. Overall, the proposed waste storage area is considered to comply with Section C-11 of the Richmond Valley DCP.

### **3.4.5 Site Constraints**

#### **3.4.5.1 Flooding**

As per Richmond Valley Council mapping (Flood Study 2023), the site is subject to H1 low hazard flooding during a 1 in 100 year flood event. The proposed development has been designed with Finished Floor Level (FFL) to be above the Flood 1 in 100 year flood event. Further information in relation to flood risk mitigation is provided in section 4.1 of the Stormwater Management Plan, included at Appendix B.

### 3.4.6 Advertising Signage

The proposal also seeks Development Consent for a business identification sign (Development Consent for Signage). The sign will be affixed to the southern elevation of the proposed building (sign and details about fixing are excerpted in Figure 5). The sign will display the name of the business 'Spring Grove' and has dimensions of 4.5m high x 9.25 wide, as per figure below. The sign does not exceed the height of the building. The design of the business identification sign aligns with the assessment criteria under Schedule 5 of the SEPP (Industry and Employment) 2021 and Richmond Valley DCP.

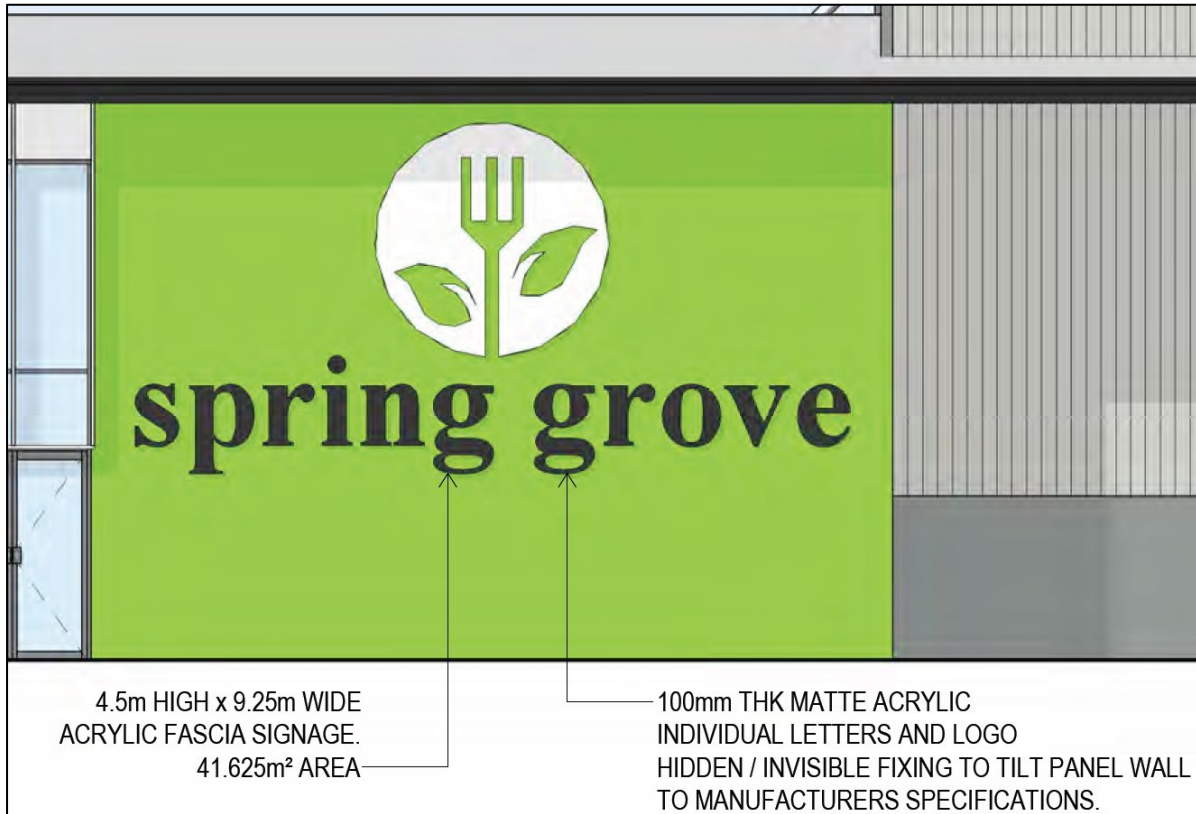


Figure 5: Business Identification Signage Detail



## 4 Statutory Planning Assessment

The following sections outline the planning assessment process that is applicable to the proposed development and summarises the relevant state and local environmental planning legislation that has been taken into consideration during the preparation of this SEE.

### 4.1 Section 4.15 Assessment

This section of the SEE evaluates the proposed development against the provisions of section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act). Section 4.15 of the Act identifies the matters for consideration for development applications, as follows:

#### 4.15 Evaluation

##### (1) Matters for consideration—general

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application—*

(a) *the provisions of—*

- (i) *any environmental planning instrument, and*
- (ii) *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
- (iii) *any development control plan, and*
- (iiia) *any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
- (iv) *the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
- (v) *(Repealed)*

*that apply to the land to which the development application relates,*

- (b) *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) *the suitability of the site for the development,*
- (d) *any submissions made in accordance with this Act or the regulations,*
- (e) *the public interest.*

Sections 4.2 – 4.4 below address the requirements of clause 4.15(1)(a) of the Act, whilst section 4.6 addresses subclauses 4.15(1)(b) – (e) of the Act.

### 4.2 State Environmental Planning Policies

The proposed development and site have been evaluated against the provisions of all current State Environmental Planning Policies (SEPP). Please refer to Table 3 below.

SEPP	Applicability
SEPP (Biodiversity and Conservation) 2021	<b>Not applicable.</b> The site is not mapped within the Biodiversity values map. Further, the site is a vacant lot and does not contain any vegetation. Assessment against the Biodiversity and Conservation SEPP is not required.

SEPP	Applicability
SEPP (Exempt and Complying Development Codes) 2008	<b>Not applicable.</b> The proposal requires consent and is not exempt or complying development.
SEPP (Housing) 2021	<b>Not applicable.</b> The proposal does not involve residential development.
SEPP (Industry and Employment) 2021	<b>Applicable.</b> Refer to section 4.2.1 below.
SEPP (Planning Systems) 2021	<b>Not applicable.</b> The proposal is not for State significant development, State significant infrastructure or Regionally significant development.
SEPP (Primary Production) 2021	<b>Not applicable.</b> The proposal does not involve primary production, agriculture or aquaculture.
SEPP (Resilience and Hazards) 2021	<b>Applicable.</b> Refer to section 4.2.2 below.
SEPP (Resources and Energy) 2021	<b>Not applicable.</b> The proposal does not involve mining, petroleum production or extractive industries.
SEPP (Sustainable Buildings) 2022	<b>Applicable.</b> Refer to section 4.2.3 below.
SEPP (Transport and Infrastructure) 2021	<b>Applicable.</b> Refer to section 4.2.4 below.
SEPP No 65 Design Quality of Residential Apartment Development	<b>Not applicable.</b> The proposal does not involve residential apartment development.

**Table 3: SEPP Assessment**

#### 4.2.1 SEPP (Industry and Employment) 2021

The proposal also seeks Development Consent for a business identification sign (Development Consents for Signage) and therefore Chapter 3 of the Industry and Employment 2021 SEPP applies. The aims, objectives of Chapter 3 are:

*This Chapter aims –*

- (a) *to ensure that signage (including advertising)—*
  - (i) *is compatible with the desired amenity and visual character of an area, and*
  - (ii) *provides effective communication in suitable locations, and*
  - (iii) *is of high quality design and finish, and*
- (b) *to regulate signage (but not content) under Part 4 of the Act, and*
- (c) *to provide time-limited consents for the display of certain advertisements, and*
- (d) *to regulate the display of advertisements in transport corridors, and*
- (e) *to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

The sign will be affixed to the southern elevation of the proposed building (sign is excerpted in Figure 6). The sign will display the name of the business “Spring Grove” and has a surface area of approximately 41.6m<sup>2</sup>.

Per Part 3.2 (section 3.6) of the SEPP an application to display signage is required to demonstrate that the signage is consistent with the objectives of this Chapter as set out above, and that the signage the subject of the application satisfies the assessment criteria specified in Schedule 5. An assessment has been carried out against the Schedule 5 signage criteria in Table 4 below. The assessment demonstrates that the proposal is acceptable in terms of its impacts and therefore complies with the objectives set out above.

Assessment Criteria	Response
<b>Character of the area</b>	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	<b>Complies.</b> The proposed development is located within an established industrial estate and the proposed business identification sign is commensurate to the existing signage within the estate. Proposed signage will support the industrial occupant of the Warehouse and Distribution Centre, Spring Grove.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	<b>Complies.</b> The development will include one business identification sign, that complements the proposed development and surrounding industrial development. The provision of one business identification sign per building / site occupant is consistent with the existing industrial estate.
<b>Special areas</b>	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	<b>Complies.</b> The development is located within an established industrial estate. The site is not located in an environmentally sensitive area, heritage area, natural or other conservation area, open space area, waterway, rural landscape or residential area. Therefore, impacts on amenity or visual quality of these areas are not anticipated as a result of the proposal.
<b>Views and vistas</b>	
Does the proposal obscure or compromise important views?	<b>Complies.</b> The signage does not exceed the height of the building and therefore does not obscure or compromise important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	<b>Complies.</b> As above.
Does the proposal respect the viewing rights of other advertisers?	<b>Complies.</b> Signage will relate to building occupant and will not comprise third party advertising. Impacts on viewing rights will not occur.
<b>Streetscape, setting or landscape</b>	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	<b>Complies.</b> Signage has been designed to maintain consistency with other development within the estate. Signage will comprise complementary colours to the building and will not be obtrusive in appearance.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	<b>Complies.</b> Signage will not compromise the architectural quality of the buildings and proposed landscaping. Instead, it is considered to enhance add to the visual interest of the building and thus the streetscape and surrounding setting. The colour of the signage background (green) will match the landscape context of the area.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	<b>Not applicable.</b> The site is vacant of improvements. No advertising exists on site.

Does the proposal screen unsightliness?	<b>Not applicable.</b> The site is vacant of improvements.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	<b>Complies.</b> Proposed signs will not protrude above the apex of the building.
Does the proposal require ongoing vegetation management?	<b>Not applicable.</b> The signage does not incorporate planting.

### Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	<b>Complies.</b> The signage is located strategically to best align with the design and scale of the building. The surface area of the sign represents only 9% of the surface area of the façade of the south elevation.
Does the proposal respect important features of the site or building, or both?	<b>Complies.</b> The proposed signage colour scheme is reflective of the Spring Grove corporate company colours. This colour has been used as the primary colour palette for the building itself. The proposed signage is therefore respectful of the building and site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	<b>Complies.</b> The signage integrates within the building and is contemporary in design and appearance.

### Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	<b>Complies.</b> Spring Grove's logo is included on the signage.
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### Illumination

Would illumination result in unacceptable glare?	<b>Not applicable.</b> The proposed business identification sign will not be illuminated.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	

Is the illumination subject to a curfew?	
<b>Safety</b>	
Would the proposal reduce the safety for any public road?	<b>Complies.</b> Proposed signage will be flush to the walls and will be static in nature. This type of signage is not anticipated to reduce the safety on public roads.
Would the proposal reduce the safety for pedestrians or bicyclists?	<b>Complies.</b> As above.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	<b>Complies.</b> Proposed signage will not obscure sightlines from public areas

**Table 4: Schedule 5 signage impact assessment (SEPP (Industry and Employment) 2021**

#### 4.2.2 SEPP (Resilience and Hazards)

Chapter 3 of the SEPP seeks to ensure that in determining whether a development is a hazardous or offensive industry, any measures proposed to be employed to reduce the impact of the development are taken into account. The proposal is for a Warehouse and does not involve hazardous or offensive industry processes that would have a noticeable offsite impact.

The proposed cold storage component does however require refrigeration plant. Although the type of system including refrigerant gas has not yet been designed in detail. As seen on the proposed stage 2 floor plans, a dedicated plant room is proposed and the storage and use of gases / chemicals as part of refrigeration system operation will be conducted with the highest regard to safety and hazard and risk mitigation.

Cold storage facilities are common-place in industrial zones and a comprehensive suite of legislation, codes, and standards exists to ensure the safe operation of such facilities, including for example:

- *Work Health and Safety Act 2011 (NSW)*
- *Work Health and Safety Regulation 2017 (NSW)*
- AS 4332–2004 – *The storage and handling of gases in cylinders;*
- AS/NZS 2022:2003 – *Anhydrous ammonia – Storage and handling;*
- AS/NZS 5149:2016 – *Refrigerating systems and heat pumps;*
- SafeWork Australia – National Standard for the Storage and Handling of Dangerous Goods [NOHSC:1015 (2001)];

The site will also implement comprehensive safety management systems, including but not limited to the following:

- Dangerous Goods and Hazardous Substances Policy;
- Dangerous Goods and Hazardous Substances Procedure;
- Hazardous Materials Manifest and Dangerous Goods Register;
- Site plan showing location of the dangerous goods on site;
- Procedure for Maintenance Plant Isolation Shutdown.
- Safe Work Method Procedures
- Procedure for Plant Isolation Shutdown; and
- Service Report for Gas Detection.



Adherence to the above legislation, standards and management systems will ensure that the proposed cold storage Warehouse refrigeration system is operated to minimise and mitigate risks to the greatest extent possible. Appropriate development conditions can be included to this effect.

### 4.2.3 SEPP (Sustainable Buildings) 2022

The proposal is for a non-residential building with an estimated development cost of over \$5 million, thereby triggering assessment against Chapter 3 of the SEPP (Sustainable Buildings) 2022 Policy. Section 3.2 of the SEPP requires the embodied emissions attributable to the development be quantified. This has been quantified by the Architect and Chief Engineer for the project via the preparation of a NABERS Embodied emissions materials form (Appendix F). In addition to the NABERS form, the design also incorporates some simple yet effective sustainability principles that are appropriate for an industrial facility:

Page | 24

- The building has been designed to fully encapsulate natural daylighting through the use of feature glazed windows.
- The proposed warehouses incorporate sun shading and weather protection devices with awnings provided along the key exposed elevations for thermal control and adverse weather protection.
- The buildings incorporate numerous openings, including feature glazed windows, large roller doors and doorways to generate cross-ventilation and the passage of cool breezes.
- Proposed landscaping along the boundaries to provides shading and cooling to hardstand areas and the street and will help mitigate stormwater runoff.
- Lifecycle costs and materials: The development provides long-life materials and finishes which are easily maintained.
- A Site Waste Minimisation Plan (Appendix H) has been prepared to outline how the proposed development will manage waste generated and ensure it is reduced, recycled, and safely stored and collected from the site during the construction phase. This is a best practice approach that will significantly reduce the amount of potential waste landfilled. The Site Waste Minimisation Plan will be further developed during the detailed design phase.

### 4.2.4 SEPP (Transport and Infrastructure) 2021

The objective of this policy is to facilitate the effective delivery of infrastructure across NSW. The policy assists the NSW Government, private infrastructure providers, local councils and the communities they support by improving the efficiency and consistency of the planning regime for critical infrastructure. The SEPP includes specific planning provisions and development controls for 27 types of infrastructure works or facilities as well as for educational establishments and childcare facilities, major infrastructure corridors and key ports and freight intermodal precincts. The SEPP also identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development.

The proposed development is not for provision of infrastructure or services identified within Chapters 2 – 6 of the SEPP. Further, the proposed development is not located adjacent to particular types of infrastructure nominated within the SEPP. However, the subject site does fall within the Schedule 3 thresholds for traffic-generating development as the site area is more than 8,000m<sup>2</sup> and triggers referral to TfNSW (RMS) and assessment against section 2.122 of the SEPP.

Whilst the proposal triggers referral as traffic-generating development, it is the case that traffic generated by this proposal is expected to be in line with the capacity catered for by the existing industrial estate and surrounding industrial and arterial road network. This is in line with the findings of the GHD Traffic Assessment undertaken for the Richmond Valley Jobs Precinct, which confirms the following in relation to the existing road network capacity:

“Generally, the road network has capacity to accommodate the additional traffic flows that are expected to be generated from development in the precinct.” (Richmond Valley Regional Job Precinct draft master plan, p.64)

Further to the above, the proposal does not depart from the parking rates set out in the Richmond Valley DCP. Therefore, there proposal is not considered to bring about any potential traffic safety, road congestion or parking concerns.

### 4.3 Richmond Valley Local Environmental Plan 2012

#### 4.3.1 Clause 1.2 Aims of Plan

The Richmond Valley LEP 2012 is the primary planning tool for the Richmond Valley Council. The Richmond Valley LEP 2012 provides local environmental planning provisions for land in Richmond Valley.

- (1) *This Plan aims to make local environmental planning provisions for land in Richmond Valley in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act.*
- (2) *The particular aims of this Plan are as follows —*
  - aa) *to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
  - a) *to encourage the proper management, development and conservation of natural and man-made resources,*
  - b) *to support and encourage social and economic benefits within Richmond Valley,*
  - c) *to ensure that suitable land for beneficial and appropriate uses is made available as required,*
  - d) *to manage appropriate and essential public services, infrastructure and amenities for Richmond Valley,*
  - e) *to minimise the risk of harm to the community through the appropriate management of development and land use.*

The ultimate proposal is to construct and operate a Warehouse (cold storage) and Distribution Centre, to be occupied by a locally based national food distributor Spring Grove. As such, the proposal will make a strong contribution to employment and economic growth for the region in an important location that is identified as forming part of the future Richmond Valley Regional Job Precinct (Sub-precinct 3 – Johnston Street Industrial precinct). The proposal will further strengthen the position of the Richmond Valley as the focal point for the region’s beef industry by expanding a long-established Northern Rivers-based family owned wholesale business that specialises in supplying premium quality meat products. In summary, the proposal will give effect to Council’s strategic principles, policies, and actions, as reflected in the applicable Richmond Valley LEP and Richmond Valley DCP provisions as well as the *Richmond Valley Regional Job Precinct draft master plan*.

##### 4.3.1.1 Zone Objectives

The subject site is located within the Zone E4 General Industrial pursuant to the Richmond Valley LEP 2012. As demonstrated in Table 5, the objectives of the Zone E4 General Industrial will be demonstrably achieved by the proposed development.

Objectives	Assessment
To provide a range of industrial, warehouse, logistics and related land uses.	The proposal involves establishing a Transport Depot and Warehouse (cold storage) and Distribution Centre over 3 stages. These uses are permitted with consent uses and therefore supported in the zone.

To ensure the efficient and viable use of land for industrial uses.	The proposal is for industrial use.
To minimise any adverse effect of industry on other land uses.	The nearest sensitive land zone/use is located approximately 360m south of the site. Noise generated by the proposed use has been assessed within the Noise Impact Assessment Report (Appendix C) and the proposal is predicted with NSW Noise Policy for Industry without the need for acoustic attenuation. It is therefore considered that the proposed facility will operate successfully in the context of the site location and zoning, comfortably within the existing local noise context and expectations of the local community
To encourage employment opportunities.	The proposal will contribute to employment and economic growth for the region in line with the zone and Richmond Valley Regional Job Precinct (Sub-precinct 3 – Johnston Street Industrial precinct).
To enable limited non-industrial land uses that provide facilities and services to meet the needs of businesses and workers.	Not applicable. The proposal is for industrial land use.

**Table 5. Richmond Valley LEP 2012 Objectives**

#### 4.3.1.2 Planning Definition and Permissibility

The application is seeking Development Consent for Transport Depot and Warehouse and Distribution Centre. In accordance with Richmond Valley LEP, a **Transport Depot** means –

*a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.*

Stage 1 and 2 of the proposal involves establishing a Transport Depot used for parking heavy vehicles in connection with an industry use. As such, the proposal is consistent with the above definition.

The Richmond Valley LEP 2012 defines **Warehouse and Distribution Centre** as –

*a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made, but does not include local distribution premises.*

The ultimate development is to construct and operate a Warehouse (including cold storage) and Distribution Centre, to be occupied by a regional food distributor Spring Grove. As such, the proposal is consistent with the above definition.

#### 4.3.2 Richmond Valley Local Environment Plan 2012 Development Standards

This section provides an assessment of the proposed development the relevant provisions of the Richmond Valley LEP 2012. As per Table 6 below, the development complies with all applicable standards within Part 4 through to Part 7 of the Richmond Valley LEP 2012.

Richmond Valley LEP 2012	Assessment
<b>Part 4: Principal Development Standards</b>	
Clause 4.1 – Minimum subdivision lot size	<b>Not applicable.</b> None of the development types referred to under Clause 4.1 to Clause 4.2 are applicable to this application.
Clause 4.1AA – Minimum subdivision lot size for community title schemes	

Richmond Valley LEP 2012	Assessment
Clause 4.1A – Minimum subdivision lot size for strata plan schemes in certain rural, residential and conservation zones	
Clause 4.1B – Minimum lot sizes for dual occupancies	
Clause 4.1C – Exceptions for minimum lot sizes for dual occupancies	
Clause 4.2 – Rural subdivision	
Clause 4.2A – Exceptions for minimum lot sizes for certain rural subdivisions	
Clause 4.2B – Erection of dual occupancies and dwelling houses on land in Zones RU1, R5 and C3	
Clause 4.2C – Exceptions for minimum lot sizes for lot boundary adjustments	
Clause 4.3 – Height of buildings	As per HOB - 006A map of the Richmond Valley LEP 2012, a maximum building height for the site is 8.5m. The ultimate development results in construction of building with a maximum height of approximately 12.3m, therefore exceeding the mapped maximum building height. Refer to Clause 4.6 Variation Request for further details.
Clause 4.4 – Floor space ratio	Not adopted.
Clause 4.5 – Calculation of floor space ratio and site area	Not adopted.
Clause 4.6 – Exceptions to development standards	The proposal provides a variation to the height of building development standard (Clause 4.3). Please refer to the Clause 4.6 Variation Request report for detailed demonstration of compliance with Clause 4.6(3).
<b>Part 5: Miscellaneous Provisions</b>	
Clause 5.1 – Relevant acquisition authority	<b>Not applicable.</b> No part of the site is identified on the Land Reservation Acquisition Map.
Clause 5.1A – Development on land intended to be acquired for public purposes	<b>Not applicable.</b> No part of the site is identified on the Land Reservation Acquisition Map.
Clause 5.2 – Classification and reclassification of public land	<b>Not applicable.</b> The proposal does not involve classifying or reclassifying public land.
Clause 5.3 – Development near zone boundaries	<b>Not applicable.</b> The site adjoins the Primary Production zone to the north. This land will likely be rezoned in the future for comparable industrial uses under the <i>Richmond Valley Regional Job Precinct draft masterplan</i> .

Richmond Valley LEP 2012	Assessment
Clause 5.4 – Controls relating to miscellaneous permissible uses	<b>Not applicable.</b> The development does not include a miscellaneous permissible use.
Clause 5.5 – Controls relating to secondary dwellings on land in a rural zone	<b>Not applicable.</b> The development is not for secondary dwelling on land in rural zone.
Clause 5.6 – Architectural roof features	<b>Not applicable.</b> The proposal is for a typical industrial building. Architectural roof features are not proposed.
Clause 5.7 – Development below mean high water mark	<b>Not applicable.</b> The site is not located in close proximity to tidal waters.
Clause 5.8 – Conversion of fire alarms	<b>Not applicable.</b> The proposal is for a new-build.
Clause 5.9 – Dwelling house or secondary dwelling affected by natural disaster	Not adopted.
Clause 5.9AA (Repealed)	Not applicable.
Clause 5.10 – Heritage conservation	<b>Not applicable.</b> The subject site is not identified as containing heritage items, Aboriginal objects or features in a heritage conservation area.
Clause 5.11 – Bush fire hazard reduction	<b>Not applicable.</b> The proposal does not involve bush fire hazard reduction.
Clause 5.12 – Infrastructure development and use of existing buildings of the Crown	<b>Not applicable.</b> The proposal does not involve an existing building of the Crown.
Clause 5.13 – Eco-tourist facilities	<b>Not applicable.</b> The proposal does not involve eco-tourist facilities.
Clause 5.14 – Siding Spring Observatory—maintaining dark sky	Not adopted.
Clause 5.15 – Defence communications facility	Not adopted.
Clause 5.16 – Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	<b>Not applicable.</b> The proposal does not involve subdivision.
Clause 5.17 – Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not applicable.
Clause 5.18 – Intensive livestock agriculture	<b>Not applicable.</b> The proposal does not involve intensive livestock agriculture.
Clause 5.19 – Pond-based, tank-based and oyster aquaculture	<b>Not applicable.</b> The proposal does not involve oyster aquaculture.
Clause 5.20 – Standards that cannot be used to refuse consent – playing and performing music	<b>Not applicable.</b> The proposal does not involve playing or performing of music.
Clause 5.21 – Flood planning	<b>Complies.</b> The proposed development has been designed with FFL to be above the Flood 1 in 100 year



Richmond Valley LEP 2012	Assessment
	event. Refer to section 4.1 of the Stormwater Management Plan for further details.
Clause 5.22 – Special flood considerations	<b>Complies.</b> The proposed development has been designed with FFL to be above Flood 1 in 100 year event. Regional riverine flooding typically has long warning times therefore evacuation of the site would be completed well in advance of a flood event peak.
Clause 5.23 – Public bushland	Not adopted.
Clause 5.24 – Farm stay accommodation	<b>Not applicable.</b> The proposal does not involve farm stay.
Clause 5.25 – Farm gate premises	<b>Not applicable.</b> The proposal does not involve a farm.
Part 6: Additional Local Provisions	
Clause 6.1 – Acid sulfate soils	<b>Not applicable.</b> As per Richmond Valley Mapping, the subject site is not identified as being located within the Acid Sulfate Soils map.
Clause 6.2 – Essential Services	<b>Complies.</b> The site can be connected to all essential services.
Clause 6.3 – Earthworks	<b>Complies.</b> As the site is generally level, the proposal only requires minor earthworks to prepare the site for development. No detrimental impacts on environmental functions and processes, neighbouring uses, heritage items or features of the surrounding land are expected to come about as a result of the proposal.
Clause 6.4 – Protection of historic New Italy village area	<b>Not applicable.</b> The site is not located within the land labelled as “Historic New Italy Village Area”.
Clause 6.5 (Repealed)	Not applicable.
Clause 6.6 – Terrestrial biodiversity	<b>Not applicable.</b> The subject site is not identified on the Terrestrial Biodiversity Map.
Clause 6.7 – Landslide Risk	<b>Not applicable.</b> The subject site is not identified on the Landslide Risk map.
Clause 6.8 – Riparian land and watercourses	<b>Not applicable.</b> The subject site is not identified on the Wetlands Map, Riparian Land and Waterways Map.
Clause 6.9 – Drinking water catchments	<b>Not applicable.</b> The subject site is not identified as being located within the Drinking Water Catchments map.
Clause 6.10 – Wetlands	<b>Not applicable.</b> The subject site is not identified on the Wetlands Map, Riparian Land and Waterways Map.
Clause 6.11 – Airspace operations	<b>Complies.</b> The proposal will not penetrate the airspace of the Casino and Evans Head Airports.
Clause 6.12 – Development in areas subject to aircraft noise	<b>Not applicable.</b> The subject site is not located in close proximity to the Casino and Evans Head Airports.
Clause 6.13 – Development of the Glebe, Coraki	<b>Not applicable.</b> The subject site is not identified on the Dwelling Opportunity map.

Richmond Valley LEP 2012	Assessment
Clause 6.14 – Rural workers’ dwellings	<b>Not applicable.</b> The proposal does not involve rural workers’ dwellings.
Clause 6.15 – Location of sex services premises	<b>Not applicable.</b> The proposal does not involve sex services premises.

Table 6: Richmond Valley LEP 2012 Assessment

#### 4.4 Richmond Valley Development Control Plan 2021

The *Richmond Valley Development Control Plan 2021* applies to the Richmond Valley Local Government Area and as such the subject site. The provisions contained within the Richmond Valley DCP supplement and expand upon the aims, objectives and other provisions of the Richmond Valley LEP. The following sub-sections provides an assessment of the proposal against the relevant development controls of the Richmond Valley DCP.

##### 4.4.1 Part C – Industrial Development

This Section applies to all land within Richmond Valley Local Government Area where industrial development is permitted with Council's consent. The planning controls considered relevant to the proposed development are contained in Part C, as outlined below.

DCP Requirement	Assessment
<b>Part C Industrial Development</b>	
<b>C-2. Building Height</b>	Refer to Clause 4.6 Variation Request for further details in relation to the proposed building height.
<b>C-3. Building Setbacks</b>	<b>Variation proposed.</b> The proposed building setbacks comply with this clause. Refer to section 3.4.1.3 of this SEE for details.
<b>C-4. Streetscape and Built Form</b>	<b>Complies.</b> The proposed development has evolved through a design-led approach, resulting in a high-quality development that responds to the industrial vision for the zone. The contemporary industrial architectural style and complementary landscaping will enhance the streetscape. Refer to Section 3.3.1.1 of this SEE for more discussion of the development's architectural intent and an explanation of how this complies with the provisions of C-4.
<b>C-5. Landscaping</b>	<b>Complies.</b> The proposed landscaping will soften the visual impact of development and contribute to streetscape amenity. Refer to section 3.3.1.4 of this SEE for details.
<b>C-6. Fencing</b>	<b>Complies.</b> 1.8m high open chain wire fencing is proposed. This is consistent with adjoining property fencing and reasonable expectations for industrial areas.
<b>C-7. Noise and Other Amenity Impacts</b>	<b>Complies.</b> The proposed landscaping complies with this clause. Refer to section 3.4.4.1 of this SEE and the Noise Impact Assessment (Appendix C) for details.
<b>C-8. Safety and Security</b>	<b>Complies.</b> The proposed development has been designed to ensure public areas are monitored and key principles are integrated into the design. Refer to section 3.4.1.1 of this SEE for further details

DCP Requirement	Assessment
<b>C-9. Parking, Loading and Access</b>	<b>Complies.</b> The proposed development includes construction of two (2) x 10 m wide driveways, in compliance with C-9.  Truck Depot on-site car parking requirements are considered to comply with Table C-6 of the DCP 2021. The ultimate development (Warehouse) parking rate is 1 per 300m <sup>2</sup> . The ultimate GFA for the development is 5,532m <sup>2</sup> . Applying the rates above, the proposed development is required to provide 19 on-site car parking spaces. The proposal provides a total of 58 on-site car parking spaces, well in exceedance of the required number. Overall, the proposed development complies with C-9.
<b>C-10. Stormwater and Sewage and Services</b>	<b>Complies.</b> The proposal is accompanied by a Stormwater Management Plan (Appendix B). As per the Stormwater Plan, all stormwater will be directed to Council's stormwater drainage system.  The proposed development will be connected to water infrastructure and sewer infrastructure. Erosion and sediment controls during construction can be ensured by a relevant and reasonable conditions of approval.
<b>C-11. Waste</b>	<b>Complies.</b> The proposed development will include fully enclosed waste storage area within the site. Refer to section 3.4.4.3 for more details in relation to waste management.
<b>C-12. Earthworks and Retaining Walls</b>	<b>Complies.</b> The subject site is generally flat and does not require significant cutting or filling. Therefore, no earthworks or retaining walls are proposed as part of this proposal.
<b>C-13. Natural Hazards and Constraints</b>	<b>Complies.</b> As per the Richmond Valley mapping, only a small portion of site is affected by Flood 1 in 100 year (1 percent AEP). The proposal has been designed with the FFL to be above Flood 1 in 100 year event. Refer to section 4.1 of the Stormwater Management Plan for further details.
<b>C-14. Additional Considerations for Specific Uses</b>	<b>Not applicable.</b> The proposal is not for alternations or additions to existing industrial premises.

**Table 7: Assessment against Part C of Richmond Valley DCP 2021**

#### 4.5 Richmond Valley Regional Job Precinct

As mentioned throughout this SEE, the site is located in the Richmond Valley Regional Job Precinct (Sub-precinct 3 – Johnston Street Industrial precinct). The Job Precinct is subject to a draft masterplan (*Richmond Valley Regional Job Precinct draft masterplan*) and Structure Plan which were publicly exhibited between 12 February and 24 March 2024 and is now under consideration. Given the draft masterplan is in the later stages of development, it is considered to be material to the assessment and determination of this development application.

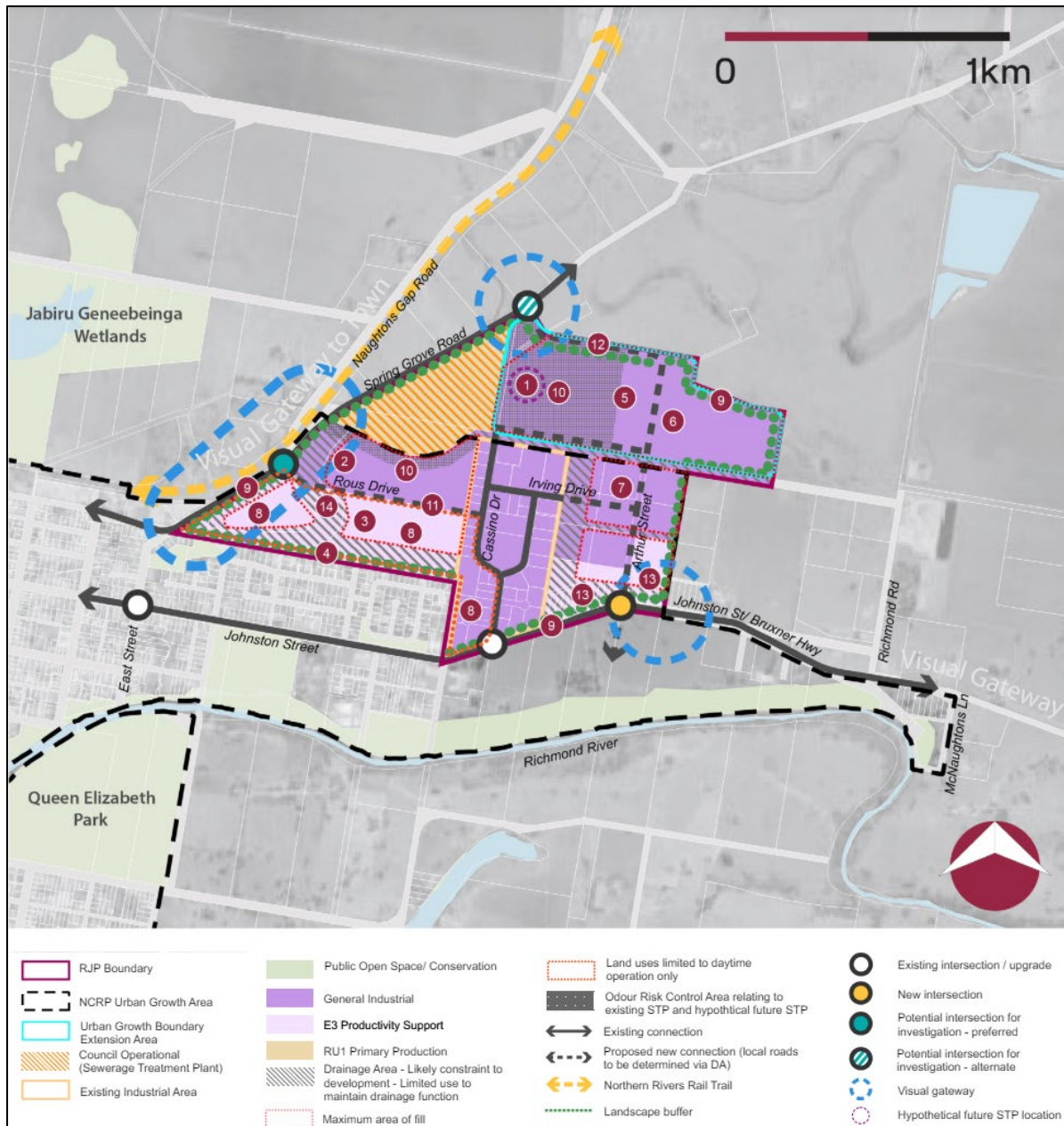
The Regional Jobs Precinct initiative focuses on delivering actions that can assist with streamlining development approvals through changes to the planning control framework. The masterplan leverages Casino as the main employment centre in the Richmond Valley and seeks to “*build on the established strengths in agriculture and manufacturing and allow for diversification to build economic resilience for the Casino community*” (p.3). Whilst not yet adopted, the draft masterplan together with the draft

*Richmond Valley RJP Structure Plan* provide a strategic planning framework to guide business seeking to establish or expand in the region.

The draft masterplan identifies three sub-precincts that will ensure that Casino delivers on its goal to become an industry and employment hub in the NSW Northern Rivers region. The subject site and surrounding Cassino Drive industrial estate falls within Sub-precinct 3. The aim of this sub-precinct is as follows:

**Johnston Street Sub-precinct 3:** *The aim is to increase the supply of zoned industrial land and support land available to new and existing businesses, to build on the established function of the Cassino Drive Industrial estate and promote industry diversification in Casino. For example, the diversification of existing food manufacturing operations and supply chains to provide specialist bio-degradable and/or compostable packaging or logistics/cold chain solutions. (p.5)*

The proposed purpose-built Warehouse (cold storage) and Distribution Centre will support the growth of Cassino Drive industrial estate by expanding an existing a long-established Northern Rivers-based family owned wholesale business that specialises in supplying premium quality meat products (Spring Grove). The proposal would increase the supply of local jobs and would bolster position of the Richmond Valley as the focal point for the region's beef industry. The delivery of this project would catalyse and stimulate further diversified industrial development opportunities in the Johnston Street Sub-precinct 3, that will create new jobs and investment. The proposal is thus considered to be supported and indeed encouraged by the *Richmond Valley Regional Job Precinct draft masterplan* and the overarching economic benefits of the scheme are considered to weigh heavily in favour of the proposal. The Structure Plan for Johnston Street Industrial Area and Surrounds Precinct is reproduced in Figure 6 below.



**Figure 6: Structure Plan - Area 3 - Johnston Street Industrial Area and Surrounds Precinct**  
Source: draft *Richmond Valley RJP Structure Plan*

#### 4.6 Section 4.15 (1)(b–e) Assessment

The following is an assessment of the proposal with respect to the considerations of section 4.15(1)(b–e) of the Act.

Matters for Consideration	Assessment
(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The proposal is generally consistent with the objectives and development controls contained within the various environmental planning instruments and development control plans that apply to the site. The proposal will not detrimentally affect the surrounding local amenity or compromise the on-going operation of current or future adjoining industrial land uses. The design is entirely appropriate for the industrial locality



Matters for Consideration	Assessment
	<p>and is consistent with existing nearby built form. The proposed development will not result in unacceptable impacts on the built environment in this location.</p> <p>The ultimate development involves construction and operation of a Warehouse (cold storage) and Distribution Centre in an area which forms part of the future Richmond Valley Regional Job Precinct (Sub-precinct 3 – Johnston Street Industrial precinct). The proposal will further strengthen the position of the Richmond Valley as the focal point for the region’s beef industry by expanding a long-established Northern Rivers-based family owned wholesale business that specialises in supplying premium quality meat products (Spring Grove). Therefore, the proposal would provide direct economic benefit to the area and its locality in line with the strategic vision for the zone and <i>Richmond Valley Regional Job Precinct draft masterplan</i>.</p> <p>The proposal would thus effectively be in public interest as it would strengthen the local and regional economy in an area identified for employment and economic growth and diversification. Furthermore, the proposal is considered compatible with the existing area and will not detrimentally affect social or economic establishments existing in the locality.</p>
(c) the suitability of the site for the development	<p>The proposed development is situated within the Zone E4 General Industrial under the Richmond Valley LEP 2012. The ultimate proposal is for construction a Warehouse (cold storage) and Distribution Centre, to be occupied national fresh food distributor Spring Grove. The proposed use is permitted with consent within the Zone E4 General Industrial and therefore the subject site is suitable for the development.</p>
(d) any submissions made in accordance with this Act or the regulations	<p>All submissions are to be appropriately considered by Council as part of the assessment process.</p>
(e) the public interest.	<p>The public interest is best served by the orderly and economic use of land for purposes permissible under the relevant planning regime and predominantly in accordance with the prevailing planning controls. The proposed development is a permissible land use and satisfies the provisions of Richmond Valley LEP 2012, Richmond Valley DCP 2021, <i>Richmond Valley Regional Job Precinct draft masterplan</i>, and relevant state legislation, and can be delivered with no significant adverse environmental, built form or social impacts. The proposal is therefore a positive outcome for Casino and the wider region and is considered to be in the public interest.</p>

**Table 8: Assessment against s4.15(1)**

## 4.7 Designated Development

Schedule 3 of the *Environmental Planning and Assessment Regulation 2021* (Regulation) identifies development that is designated development. Assessment against Schedule 3 of the Regulations confirms the proposed development is **not** designated development.

## 4.8 Integrated Development

In accordance with Section 4.46 of the Act, the proposal is required to comply with the following in Table 12 below:

Act	Provision	Approval	HPC comment
<b>Coal Mine Subsidence Compensation Act 2017</b>	s22	Approval to alter or erect improvements, or to subdivide land, within a mine subsidence district.	Not applicable.
<b>Fisheries Management Act 1994</b>	s144	Aquaculture permit.	Not applicable.
	s201	Permit to carry out dredging or reclamation work.	Not applicable.
	s205	Permit to cut, remove, damage or destroy marine vegetation on public water land or an aquaculture lease, or on the foreshore of any such land or lease.	Not applicable.
	s219	Permit to: (a) set a net, netting or other material, or (b) construct or alter a dam, floodgate, causeway or weir, or (c) otherwise create an obstruction, across or within a bay, inlet, river or creek, or across or around a flat.	Not applicable.
<b>Heritage Act 1977</b>	s58	Approval in respect of the doing or carrying out of an act, matter or thing referred to in s 57 (1).	Not applicable. The site contains no State Heritage listings.
<b>Mining Act 1992</b>	ss 63, 64	Grant of mining lease	Not applicable.
<b>National Parks and Wildlife Act 1974</b>	s90	Grant of aboriginal heritage impact permit.	Not applicable.
<b>Petroleum (Onshore) Act 1991</b>	s16	Grant of production lease.	Not applicable.
<b>Protection of the Environment Operations Act 1997</b>	ss 43(a), 47 and 55	Environment protection licence to authorise carrying out of scheduled development work at any premises.	Not applicable. Scheduled development is not proposed.
	ss 43(b), 48 and 55	Environment protection licence to authorise carrying out of scheduled activities at any premises (excluding any activity described	Not applicable. Scheduled

Act	Provision	Approval	HPC comment
		as a “waste activity” but including any activity described as a “waste facility”).	activities are not proposed.
	ss 43(d), 55 and 122	Environment protection licences to control carrying out of non-scheduled activities for the purposes of regulating water pollution resulting from the activity.	Not applicable.
<b>Roads Act 1993</b>	s138	Consent to— (a) erect a structure or carry out a work in, on or over a public road, or (b) dig up or disturb the surface of a public road, or (c) remove or interfere with a structure, work or tree on a public road, or (d) pump water into a public road from any land adjoining the road, or (e) connect a road (whether public or private) to a classified road	Not applicable.
<b>Rural Fires Act 1997</b>	s100B	Authorisation under section 100B in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes	Not applicable.
<b>Water Management Act 2000</b>	ss 89, 90, 91	Water use approval, water management work approval or activity approval under Part 3 of Chapter 3	Not applicable. Interception of the water table will not occur.

**Table 9: Integrated Development Assessment**

## 4.9 Environmental Assessment

Clause 50(1)(c) of the Regulations requires development applications be accompanied by the information and documents that are specified in Part 1 of Schedule 1 of the Regulation. Clause 2(4) of Part 1 of Schedule 1 provides that a Development Application must be accompanied by a Statement of Environmental Effects which must indicate the following matters:

- the environmental impacts of the development,
- how the environmental impacts of the development have been identified,
- the steps to be taken to protect the environment or to lessen the expected harm to the environment,
- any matters required to be indicated by any guidelines issued by the Planning Secretary for the purposes of this clause.

### Response

Potential adverse impacts arising from the proposed development are outlined and summarised in sections 3.4 of this report. The measures used to recognise any potential environmental impacts include the Richmond Valley LEP and DCP, the applicable SEPPs, and other relevant Council Policies and Codes.

The measures used to identify any potential environmental impacts include:

- A comprehensive review of the relevant state planning instruments, local planning instruments, and relevant Council Policies and Codes.
- Site specific design to align with the regulations limiting any impacts on adjacent properties.
- Consideration of development in the locality and the emerging character of the area.

Strategies to mitigate and manage potential adverse impacts arising from the proposed development are also identified in section 3.4 of this report and submitted plans and reports.

## 5 Conclusion

This Statement of Environmental Effects has been prepared on behalf of the applicant in support of a development application seeking Development Consent for Transport Depot, Warehouse (cold storage) and Distribution Centre, and Signage at 35 Cassino Drive, Casino NSW 2470, described as Lot 50 on DP1281364.

Page | 38

The application has been assessed against the relevant requirements of the Richmond Valley LEP 2012, Richmond Valley DCP 2021, and the relevant state planning instruments, and is demonstrably appropriate for the subject site. Consequently, the application is recommended for approval subject to reasonable and relevant conditions.

This SEE has demonstrated the following key planning grounds as the basis for the above recommendation:

- The proposal will fulfil the objectives of the E4 General Industrial zone, being to provide a range of industrial land uses and encourages employment opportunities.
- The proposal would increase the supply of local jobs and would bolster position of the Richmond Valley as the focal point for the region's beef industry in accordance with the *Richmond Valley Regional Job Precinct draft masterplan*.
- The strategic location of the site is ideal for the proposed staged Warehouse and Distribution facility, with convenient access to the freight network and ample separation to sensitive land uses.
- The development is considered to provide a visually appealing and functional industrial development through incorporating a high standard of architectural and landscape design.
- The proposed development will not result in unacceptable impacts on the natural or built environment.

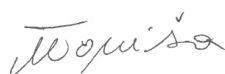
In conclusion, it is recommended that Development Consent for Transport Depot, Warehouse (cold storage) and Distribution Centre and Signage be granted in accordance with the plans and documentation submitted.

Yours sincerely,

**HPC Planning**

A.B.N. 93 670 815 022

Prepared by:

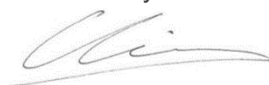


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